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STATUTORY INSTRUMENTS

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**1999 No. 978**

**SOCIAL SECURITY**

**The Social Security Contributions, etc. (Decisions and Appeals—Transitional Modifications) Regulations 1999**

<i>Made</i>	- - - -	<i>25th March 1999</i>
<i>Laid before Parliament</i>		<i>29th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 15(1) and 25(3) of the Social Security Contributions (Transfer of Functions, etc.) Act 1999<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Contributions, etc. (Decisions and Appeals—Transitional Modifications) Regulations 1999 and shall come into force on 1st April 1999.

(2) In these Regulations “the Act” means the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

**Modification of enactments**

2.—(1) Subject to paragraph (2) below, until Chapter II of Part I of the Social Security Act 1998<sup>(2)</sup> (social security decisions and appeals) is wholly in force, any enactment specified in column (1) of the Schedule to these Regulations shall have effect subject to the modifications specified in column (2) of that Schedule.

(2) Paragraph (1) above shall not apply with respect to—

(a) any such question as is mentioned in—

(i) paragraph (b) of section 17(1) of the Social Security Administration Act 1992<sup>(3)</sup> (questions for the Secretary of State) in so far as that question does not raise an issue of a kind specified in paragraph (c), (d) or (e) of section 8(1) of the Act (decisions by officers of Board of Inland Revenue), or

(ii) paragraph (e) or (f) of that section 17(1);

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(1) 1999 c. 2.  
(2) 1998 c. 14.  
(3) 1992 c. 5.

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- (b) any question which is, by virtue of section 170(1) of the Pension Schemes Act 1993<sup>(4)</sup> (determination of questions by the Secretary of State), included in the questions to which that section 17(1) applies; or
- (c) any decision to which article 4(6) of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (Commencement No. 1 and Transitional Provisions) Order 1999<sup>(5)</sup> (decisions to which Part II of the Act is not to apply) applies.

Signed by authority of the Secretary of State for Social Security.

25th March 1999

*Stephen C. Timms*  
Minister of State,  
Department of Social Security

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(4) 1993 c. 48; section 170 was amended by paragraph 42 of Schedule 3, paragraph 70 of Schedule 5, and Schedule 7, to the Pensions Act 1995 (c. 26).  
(5) S.I. 1999/527 (C.11).

**SCHEDULE**

Regulation 2(1)

**MODIFICATION OF ENACTMENTS**

(1) <i>Enactment</i>	(2) <i>Modification</i>
Social Security Contributions and Benefits Act 1992 <sup>(6)</sup> — section 95 (meaning of “employed earner’s employment” in industrial injuries and diseases provisions)	As if, in subsection (5)(c), after the words “Administration Act” there were inserted the words “or Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999”.
Social Security Administration Act 1992— section 17 (questions for the Secretary of State) <sup>(7)</sup>	As if— (a) in subsection (1)— (i) paragraphs (a), (c), (d) and (g) to (i) were omitted, and (ii) in paragraph (b), the words “contributions or his” were omitted; and (b) subsection (2) were omitted.
section 20 (claims and questions to be submitted to adjudication officer)	As if— (a) subsection (3) were omitted; and (b) in subsection (6), paragraphs (g) and (h) were omitted.
section 21 (decision of adjudication officer)	As if— (a) subsection (4) were omitted; (b) in subsection (5), for the words “In any other case notice” there were substituted the word “Notice”; and (c) in subsection (6), the words “(4) or” were omitted.
section 22 (appeal to social security appeal tribunal)	As if— (a) in subsection (1), for the words from “allowance”, in the third place where it occurs, to the end of that subsection there were substituted the words “allowance, the claimant shall have the right to appeal to a social security appeal tribunal.”; (b) in subsection (3)(a), after the words “this Act” there were inserted the words “or Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999”; and (c) in subsection (5), paragraphs (d) and (e) were omitted.
section 23 (appeal from social security appeal tribunal to Commissioner)	As if— (a) subsection (2) were omitted;

<sup>(6)</sup> 1992 c. 4.

<sup>(7)</sup> Section 17 was amended by paragraph 41 of Schedule 2 to the Jobseekers Act 1995 (c. 18) and by article 6(2)(a) of S.I.1995/512.

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(1) <i>Enactment</i>	(2) <i>Modification</i>
	(b) in subsection (3), for the words “In any other case an appeal” there were substituted the words “An appeal”; and (c) in subsection (6), the word “(2),” were omitted.
section 37 (reference of special questions)	As if, in subsection (1)(a), after the words “this Act” there were inserted the words “or Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999”.
section 59 (procedure)	As if subsection (4) were omitted.
section 117 (questions arising in proceedings)(8)	As if, in subsection (1), paragraph (b) were omitted.
section 166 (financial review and report)(9)	As if— (a) in subsection (1)(d), for the words “so far as it relates” there were substituted the words “and Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 so far as they relate”; and (b) in subsection (2)(c), for the words “so far as it relates” there were substituted the words “and Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 so far as they relate”.
Pension Schemes Act 1993— section 170 (determination of questions by the Secretary of State)	As if, in subsection (7)(b), for the words “Secretary of State” there were substituted the words “Inland Revenue”.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for certain provisions of the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992 (“the Administration Act”) and the Pension Schemes Act 1993 to have effect subject to specified modifications on and after 1st April 1999 (when Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (“the 1999 Act”) comes into force) until Chapter II of Part I of the Social Security Act 1998 (“the 1998 Act”) is wholly in force.

Part I of the 1998 Act enacts new arrangements for decisions and appeals in relation to matters arising under social security legislation, but the provisions of that Part are not yet substantially in

(8) Section 117 was amended by paragraph 57 of Schedule 2 to the Jobseekers Act 1995.

(9) Section 166 was amended by paragraph 66 of Schedule 2 to the Jobseekers Act 1995.

force. Until they are wholly in force, and to the extent that they are not in force, arrangements for social security decisions and appeals continue to be governed by Part II of the Administration Act, which will be repealed once Part I of the 1998 Act is wholly in force.

By virtue of the 1999 Act, decisions in relation to certain social security matters will, with effect from 1st April 1999, fall to be made by officers of the Inland Revenue, and appeals will be determined by the tax appeal Commissioners, under Part II of that Act. These Regulations modify provisions in Part II of the Administration Act (for so long as those provisions remain in force), and certain other provisions, so that the existing arrangements for social security decisions and appeals will work satisfactorily alongside the arrangements introduced by Part II of the 1999 Act until such time as the arrangements introduced by the 1998 Act are fully operational.